

Honorable Robert J. Bryan

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

GATEKEEPERS COMMUNITY CHURCH  
and RICKEY D. MARTIN, Senior Pastor of  
the Gatekeepers Community Church,

Plaintiffs,

v.

THURSTON COUNTY FIRE DISTRICT  
NO. 11 AND JOHN RICKS, JERRY  
STRONG, and TONY PANNKUK, Thurston  
County Board of Fire Commissioners, in  
their individual and official capacities,

Defendants.

No. C06-05095-RJB

**JOINT STIPULATION AND ORDER**

**STIPULATION**

This STIPULATION is entered into by and between GATEKEEPERS COMMUNITY CHURCH, a non-profit religious corporation, operating as a Church, and RICKEY D. MARTIN, Senior Pastor of the Gatekeepers Community Church (collectively, "PLAINTIFFS"), and THURSTON COUNTY FIRE DISTRICT NO. 11 and JOHN RICKS, JERRY STRONG, and TONY PANNKUK (collectively, "DEFENDANTS"). PLAINTIFFS and DEFENDANTS shall be referred to collectively as the PARTIES.

JOINT STIPULATION AND ORDER  
[PROPOSED] - 1

Case No. C06-05095-RJB

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PRESTON GATES & ELLIS LLP  
925 FOURTH AVENUE  
SUITE 2900  
SEATTLE, WASHINGTON 98104-1158  
TELEPHONE: (206) 623-7580  
FACSIMILE: (206) 623-7022

1 1. PLAINTIFFS, who had been utilizing DEFENDANTS' facilities between August  
2 2005 and December 2005, filed their Complaint on February 21, 2006 and their Motion for  
3 Temporary Restraining Order and Preliminary Injunction, and Memorandum in Support  
4 Thereof, together with the Affidavit of Rickey D. Martin, together with Exhibits A-1, A-2, B,  
5 and C attached thereto, on February 22, 2006, alleging that the Defendants' Station Rental  
6 Policies, dated November 10, 2005, and December 13, 2005, respectively, violated Plaintiff's  
7 First and Fourteenth Amendment rights under the United States Constitution;  
8

9 2. On February 27, 2006, Defendants passed a revised Facility Use Policy, which  
10 superseded the challenged Station Rental Policies, set out above. As a result of this revised  
11 policy, prior alleged prohibitions against religious uses have been removed. The revised  
12 policy was filed with the Court on March 1, 2006, as an attachment to the Declaration of  
13 Natasha McGowan, the Secretary of the Fire District;  
14

15 3. The PARTIES agree that above-captioned matter, *Gatekeepers Community Church,*  
16 *et al. v. Thurston County Fire District No. 11, et al.*, should be stayed for a period not to  
17 exceed six (6) months. At the end of the six (6) month period, PLAINTIFFS will either  
18 dismiss the above-captioned case, or if warranted, PLAINTIFFS will pursue their case against  
19 DEFENDANTS regarding the Station Rental Policy, dated 12/13/05 and/or the Facility Use  
20 Policy, dated 02/27/06; PLAINTIFFS will be required to give notice to Court and to  
21 DEFENDANTS as to whether they will seek to continue the case or seek dismissal no later  
22 than thirty (30) days prior to the end of the six month period; This STIPULATION is hereby  
23 entered into by the PARTIES upon advice of counsel, and signed by the PARTIES counsel on  
24 their behalf, to be filed with the court; and  
25

26 4. PLAINTIFFS shall voluntarily withdraw their motion for a Temporary Restraining

JOINT STIPULATION AND ORDER

[PROPOSED] - 2

Case No. C06-05095-RJB

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1 Order and a Preliminary Injunction, scheduled for a hearing on March 9, 2006, at 8:30 a.m.,  
2 eliminating the necessity for a hearing on this date.

3 IN WITNESS WHEREOF, the PARTIES hereto have executed this STIPULATION  
4 as set forth below.

5 Dated March 7, 2006.

6 Talis Abolins, Esq.,  
Campbell, Dille, Barnett, Smith & Wiley, PLLC

7 /s/ Vincent P. McCarthy  
8 Vincent P. McCarthy  
9 Kristina J. Wenberg  
American Center for Law and Justice  
Attorneys for Plaintiffs  
10 GATEKEEPERS COMMUNITY CHURCH and  
11 RICKEY D. MARTIN, Plaintiffs.

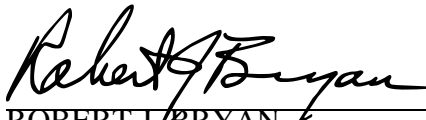
12 JOSEPH F. QUINN, P.S.

13  
14 /s/ Joseph F. Quinn (with permission)  
15 Attorneys for Defendants  
16 Thurston County Fire District No. 11 and John  
Ricks, Jerry Strong and Tony Pannkuk

17  
18 **ORDER (Proposed)**

19 This matter comes before the Court upon the Stipulation of the parties set forth above,  
20 and IT IS SO ORDERED.

21 DATED this 9<sup>th</sup> day of March, 2006.

22  
23   
24 ROBERT J. BRYAN  
25 United States District Judge  
26

1 Presented by :

2 /s/ Stephen A. Smith

Stephen A, Smith

3 Michael K. Ryan, Esq.

Preston Gates & Ellis, LLP

4 Attorneys for Defendants

THURSTON COUNTY FIRE

5 DISTRICT NO. 11 and

JOHN RICKS, JERRY STRONG

6 and TONY PANNKUK

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JOINT STIPULATION AND ORDER

[PROPOSED] - 4

Case No. C06-05095-RJB

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